



Conservation as a source for new uses and mitigation

Joint Legislative Task Force on Water Resource Mitigation

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Conservation, new uses and mitigation

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Municipal
Conservation

2

Agricultural
Conservation

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Conservation and
“spreading” using
Annual Consumptive
Quantity (ACQ)

Conservation in the Water Code

“Conservation encouraged” or “water use efficiency encouraged” - 3 times

- RCW 90.46.005
- RCW 90.54.020
- RCW 90.54.180

Other references to reducing wasteful practices, implementing conservation projects

- Ch. 90.03, 90.44, 90.90, 90.94 RCW

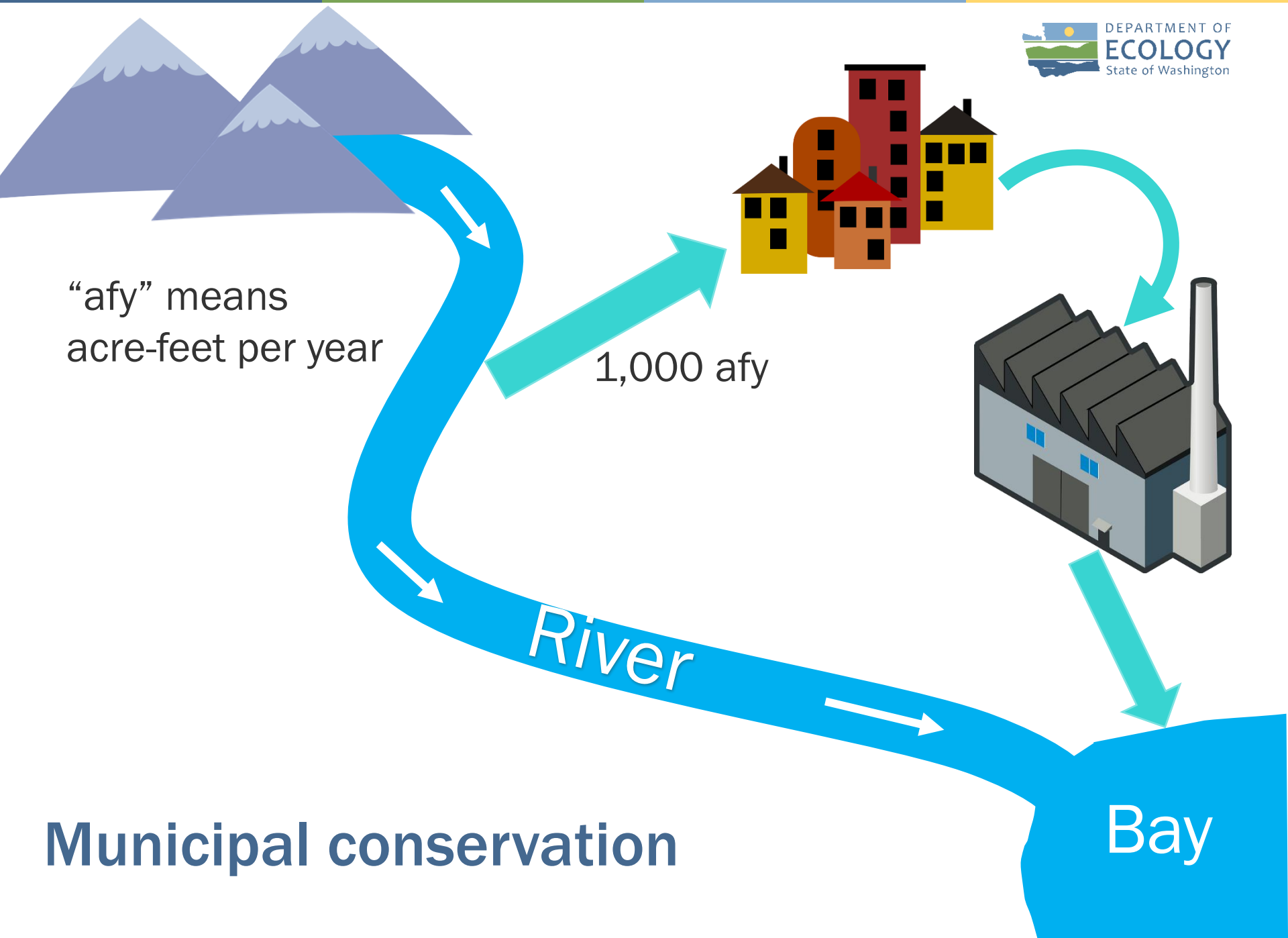
“afy” means
acre-feet per year

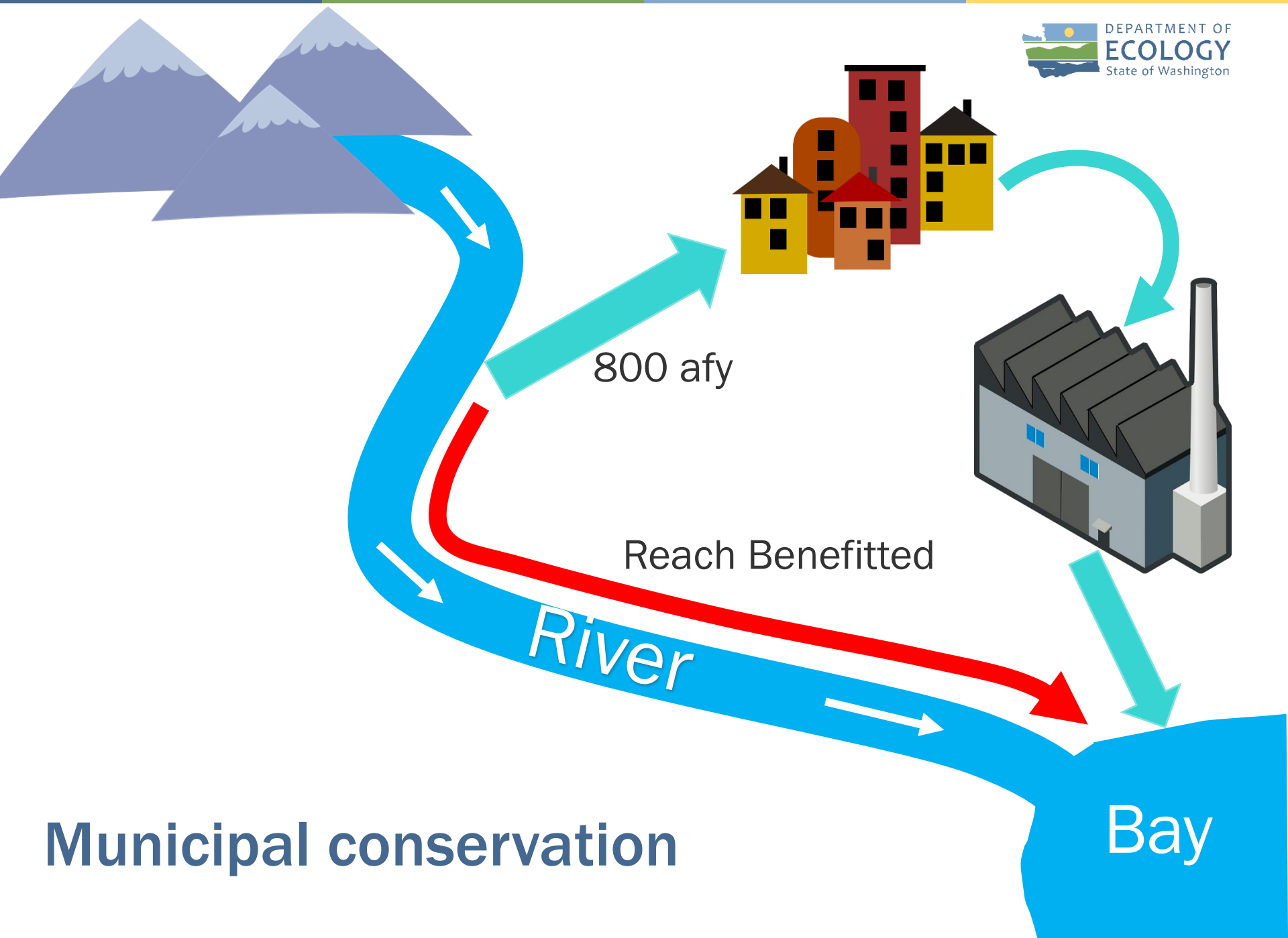
1,000 afy

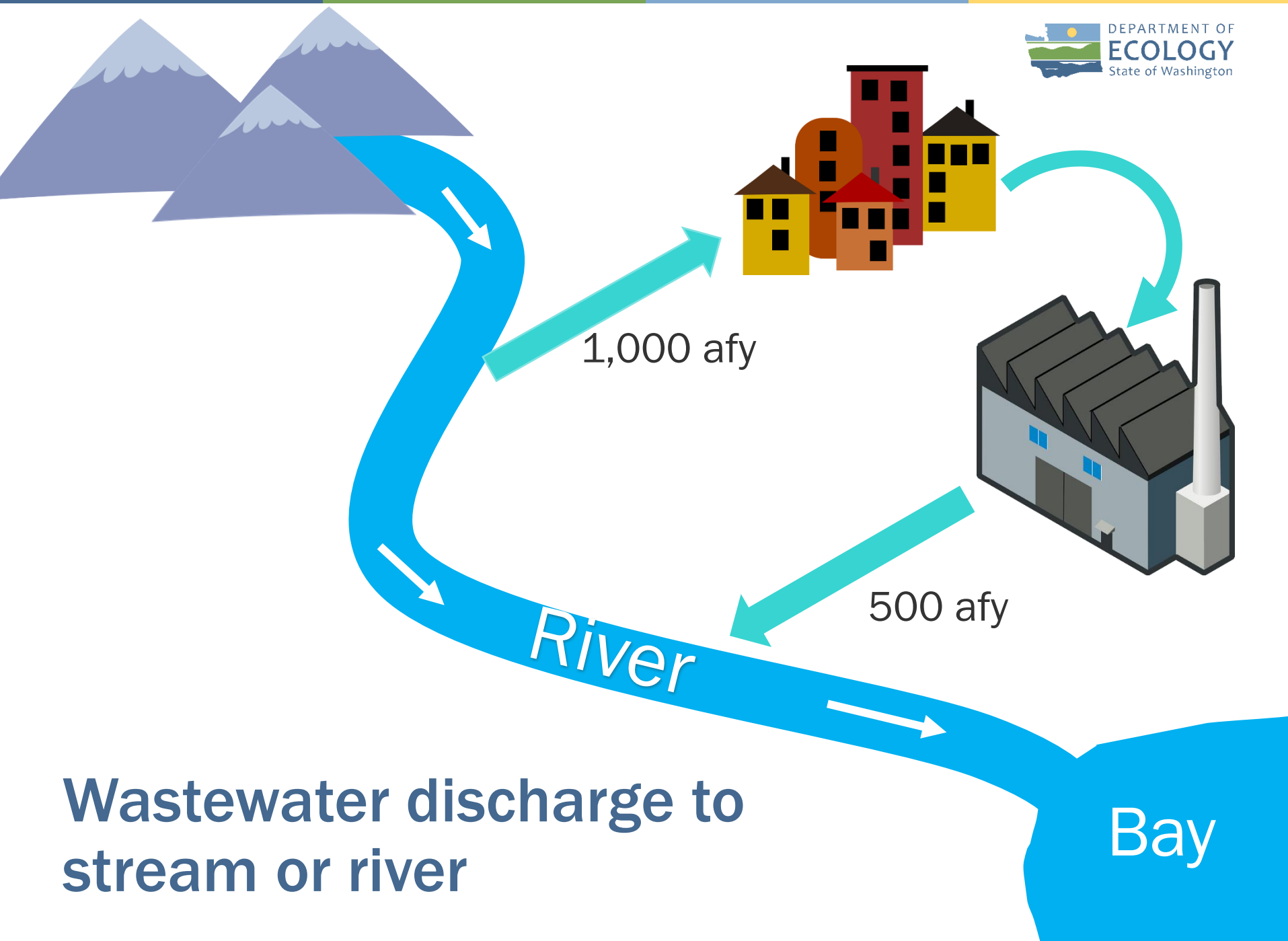
River

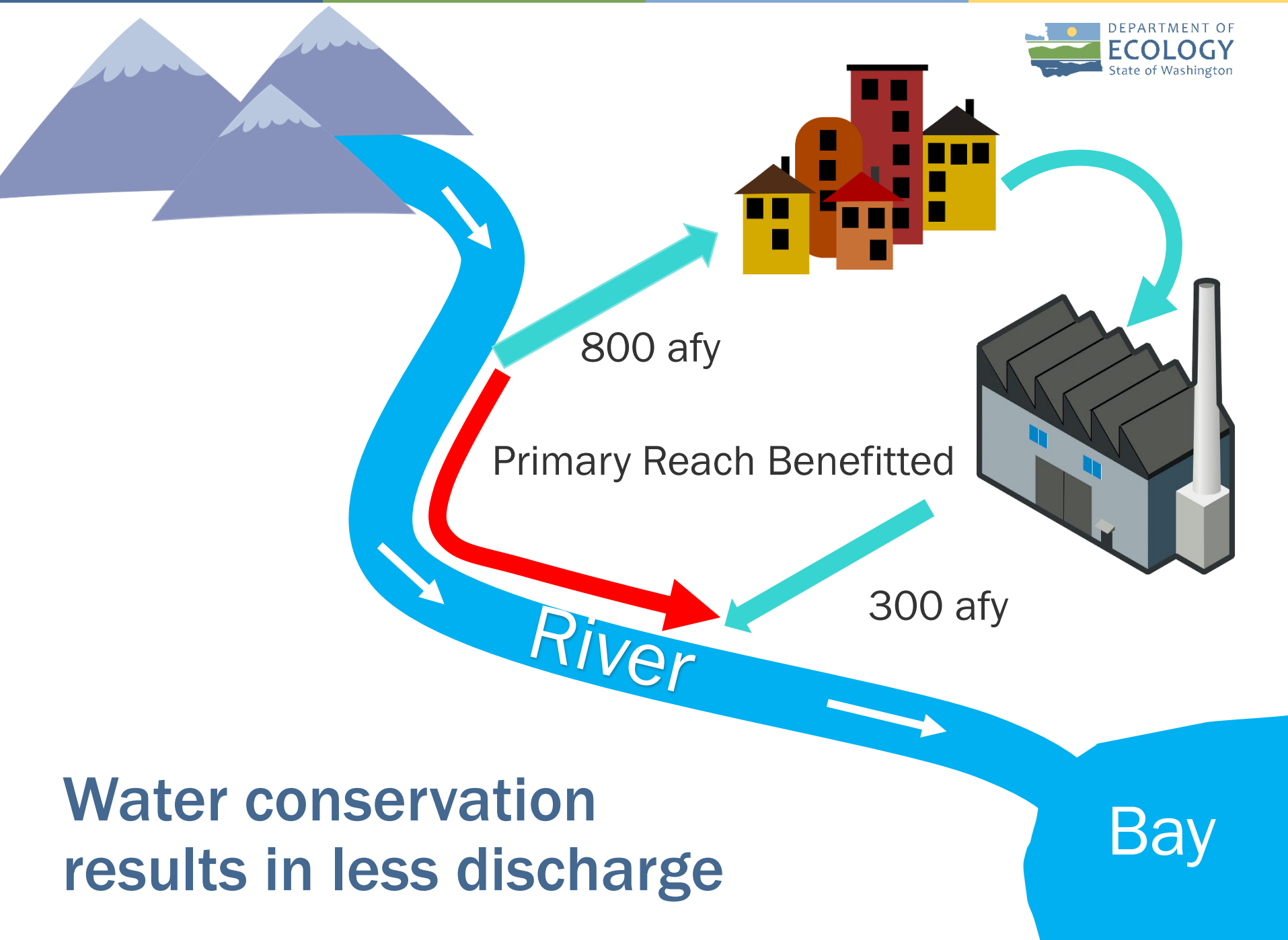
Municipal conservation

Bay









**Water conservation
results in less discharge**

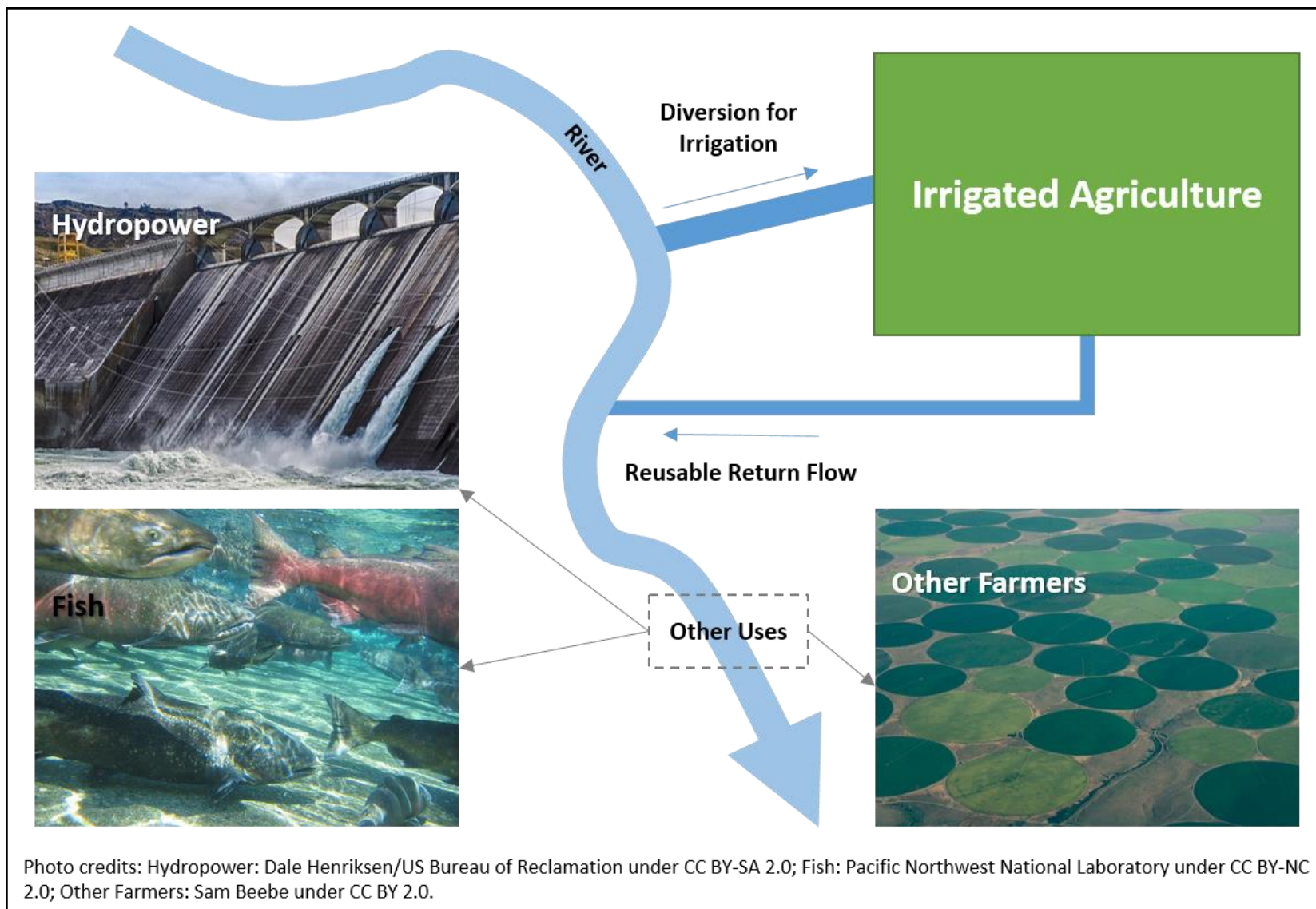
Municipal Conservation

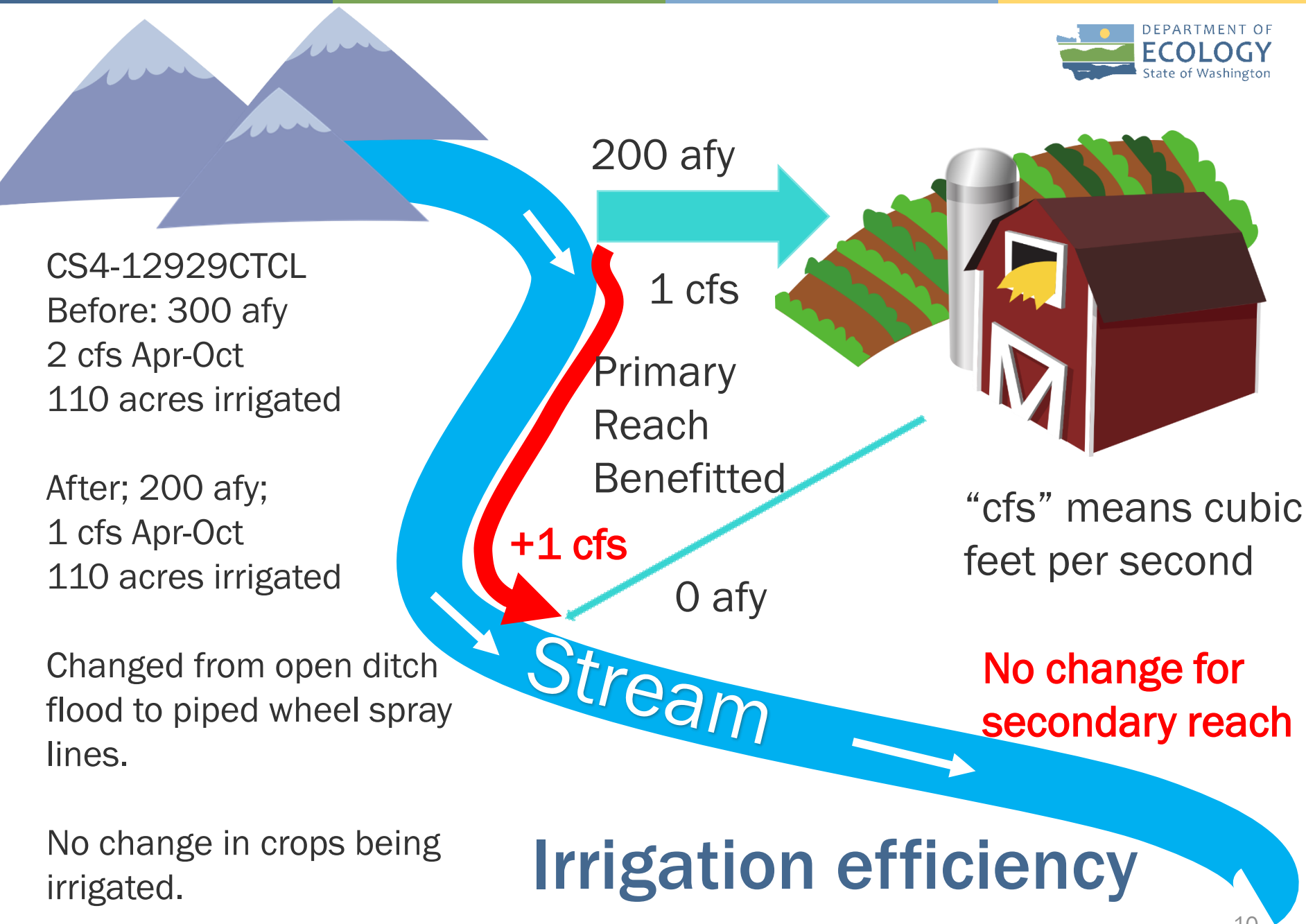
Significant Benefits

- Allows existing rights to “stretch” to serve new growth.
- Couples with flexibility in the Municipal Water Law.
- Reduces need for developing new water supplies.
- Can be implemented through regular billing structures.

Limitations

- May or may not actually result in significant boost to stream flows past point of wastewater treatment plant discharge.
- May or may not be a practical source of new water supply or mitigation for other uses.
- Different utilities have vastly different needs/situations.





Agricultural Conservation

Significant Benefits

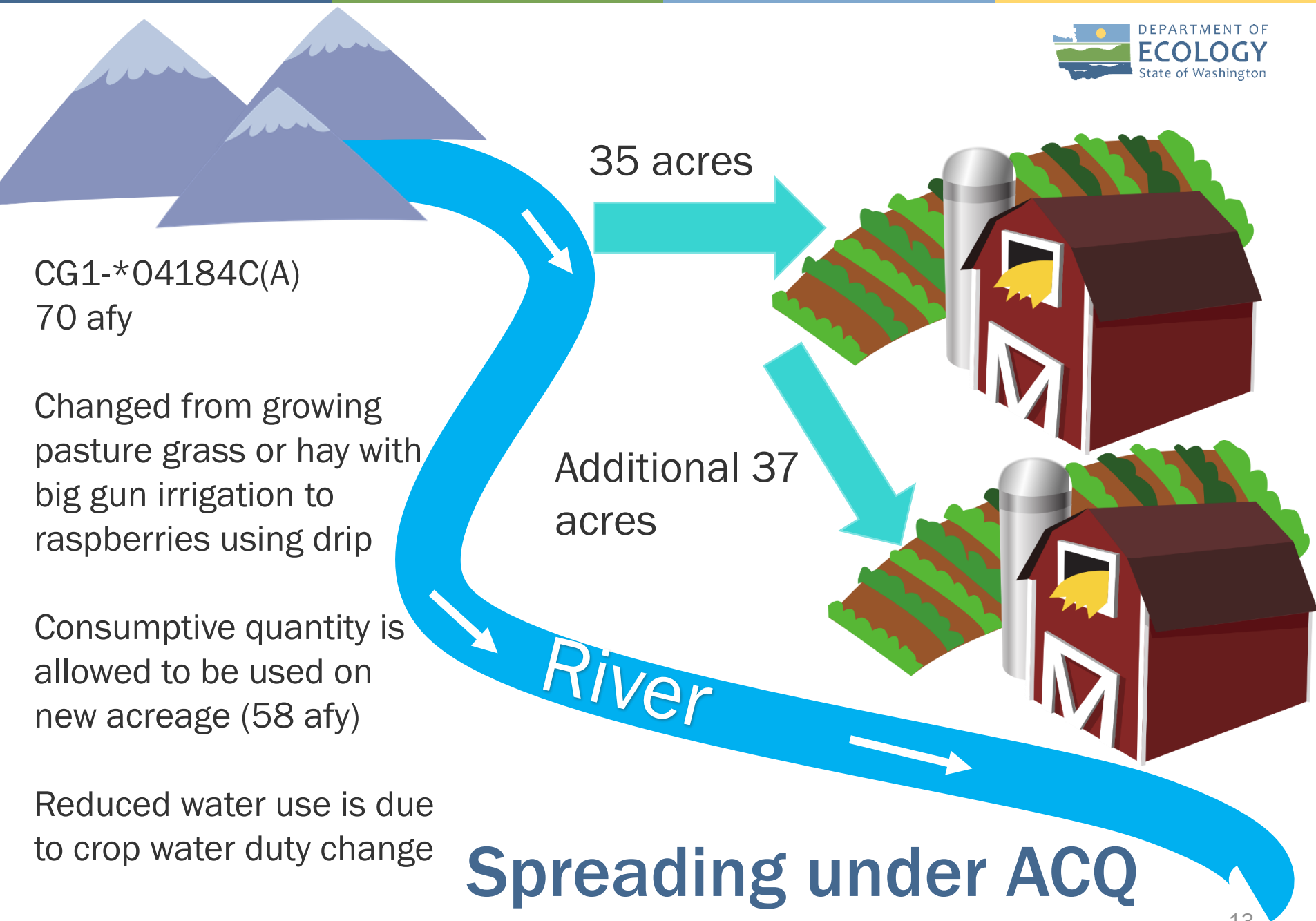
- Can improve flow conditions in specific streams where diversions impact flows significantly.
- May involve large volumes of water = large benefits.
- Many of these rights are very old (“senior”).
- Irrigation efficiencies program provides cost share funding.

Limitations

- May or may not actually result significant boost to stream flows past point of return flows.
- May or may not be a practical source of water supply or mitigation for other uses.

Annual Consumptive Quantity (ACQ)

RCW 90.03.380 (1) A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the two years of greatest use within the most recent five-year period of continuous beneficial use of the water right.



ACQ disputes

- Crop rotation results in significant changes in consumptive use. ACQ uses the highest values during the most recent irrigation period (previous five years).
- Many irrigators use multiple water rights over their entire irrigated acreage. ACQ requires evaluation of a single right for a discrete area.
- We do not have specific statutory-authorized procedures for calculating consumptive use. Existing technical documents and sources of information can provide quite different consumptive use estimates.
- “Getting it wrong” will have a significant impact to water right holders or the environment.

Conservation and the *Foster* decision

- Practical considerations for different situations
 - Water use.
 - Location in the watershed.
 - Entity may or may not have a portfolio of rights.
- Learn from (and maybe improve) on ACQ
 - Disputes have led to significant litigation.
 - Need to hit the right balance between simplicity and reflecting what we can measure.

Summary

- Ecology supports conservation to promote the most efficient and effective use of state water resources.
- Municipal and agricultural conservation measures often result in less impact to receiving waters than might be assumed.
- Washington Water Law already has conservation incentives built in.
- We must understand and manage to the change in the consumptive impact as well as our ability to actually measure those impacts.



Thank you

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